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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re KORY S. et al., Persons Coming  
Under the Juvenile Court Law.

ORANGE COUNTY SOCIAL SERVICES  
AGENCY,

Plaintiff and Respondent,

v.

CLAUDETTE B.,

Defendant and Appellant.

G032670

(Super. Ct. Nos. DP006957,  
DP006958, DP006959, DP006960,  
DP006961, DP006962)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Dennis Keough, Judge. Reversed.

Jennifer Mack, under appointment by the Court of Appeal, for Defendant and Appellant.

Benjamin P. de Mayo, County Counsel, and Jeannie Su, Deputy County Counsel, for Plaintiff and Respondent.

Law Office of Harold LaFlamme and Tina Stevens, under appointment by the Court of Appeal, for the Minors.

Claudette B. appeals from the order terminating parental rights to her six children. All parties to the appeal have stipulated that the juvenile court's order should be reversed and the remittitur issued forthwith because the juvenile court failed to comply with the notice requirements of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) (ICWA). The parties have further stipulated that the Orange County Social Services Agency (SSA) is to submit proof of proper notices under ICWA to the Navajo Nation and the Bureau of Indian Affairs (BIA).

We have examined the record and find “[t]here is no reasonable possibility that the interests of nonparties or the public will be adversely affected by [a] reversal” in this case and “[t]he reasons of the parties for requesting reversal outweigh the erosion of public trust that may result from the nullification of a judgment and the risk that the availability of stipulated reversal will reduce the incentive for pretrial settlement.” (Code Civ. Proc., § 128, subds. (a)(8)(A) & (a)(8)(B).) Reversal is in the best interest of the parties because it will avoid prolonged litigation involving the application of ICWA and will allow the juvenile court to ensure that the rights of the Indian tribes are satisfied.

Accordingly, we accept the stipulation and reverse. The juvenile court is directed to conduct a hearing within 15 days after SSA notifies the juvenile court that the notice process is complete, unless an Indian tribe or BIA requests additional time or all parties stipulate to a later date, to determine whether notice has been given as required by ICWA. If a tribe determines that the child is an Indian child or is eligible to become an Indian child, the juvenile court shall proceed according to ICWA and California Rules of Court, rule 1439. Alternatively, if no tribe determines the child is an Indian child or eligible to become an Indian child, the juvenile court shall then reinstate its June 10, 2003 order terminating parental rights, subject to the juvenile court's consideration of any

circumstances that occurred during this appeal that may affect the outcome. The remittitur shall issue forthwith.

SILLS, P. J.

WE CONCUR:

RYLAARSDAM, J.

IKOLA, J.